County of Loudoun

Department of Planning

#2

MEMORANDUM

DATE: March 16, 2011

TO: Loudoun County Planning Commission

FROM: Judi Birkitt,

Project Manager, Land Use Review

SUBJECT: Planning Commission Public Hearing, March 23, 2011

Supplemental Information

ZMAP-2008-0017, SPEX-2008-0068, SPEX-2008-0069, SPEX-2008-0070, SPEX-2010-0018, SPEX- 2010-0034, Stonewall Secure Business Park

<u>Commission Permit Update</u> - Staff confirms that a commission permit is not needed for a *private* utility substation.

<u>Updated Outstanding Issues Summary</u> - Staff and the Applicant have continued discussing outstanding issues since distribution of the staff report. An updated outstanding issues summary with possible solutions follows:

LAND USE

1. The Applicant needs to clarify uses and address consistency between **proffered uses** and the uses analyzed in the Traffic Study.

<u>Update:</u> The Application proposes up to 4.9 million square feet of permitted and special exception uses in the PD-IP zoning district with the following limitations. (Refer to Attachment 3, #1.)

The Applicant agrees to "proffer out" the following uses:

- Adult day care center
- Agriculture, horticulture
- Forestry, or fishery
- Commuter parking lot
- Post office
- Recycling drop off collection center, small
- Bakery, commercial
- Auction house

- Business Service Establishment
- Park
- Motor vehicle service and repair, light
- Funeral home
- Contractor service establishment
- Recreation establishment, outdoor or indoor

The Applicant agrees to proffer to limit the following principal uses to a total of 500,000 square feet of building development:

- Distribution facility
- Flex industrial use
- Warehousing facility

The Applicant proffers to limit the following principal use to 500,000 square feet of building development:

Free-standing commercial office

Status: **Partially resolved.** Staff is currently reviewing the Applicant's revised proposed uses. Also, the Applicant is preparing trip generation equivalents that would limit development based on the number of trips regardless of the uses. Once received, staff will review and report to the Commission.

2. **Land use scale and intensity** are inconsistent with the Lower Sycolin subarea of the Transition Policy Area and incompatible with nearby residential uses.

<u>Solutions:</u> Staff recommends density reductions, building height reductions, and/or underground construction. Status: **Unresolved.**

3. **Building heights** of 100 feet are inconsistent with the 40-foot maximum planned for the Transition Policy Area.

<u>Update:</u> The Applicant has provided a narrative on building height (Attachment 2) and an illustrative of 45-foot tall and 100-foot tall buildings on the site as viewed from the Dulles Greenway (Attachment 5). Status: **Unresolved.**

<u>Solutions:</u> Staff recommends height reductions, underground construction, and internal landscaping to break up the buildings. If the Planning Commission develops findings that support 100-foot tall buildings on this particular site, staff recommends that the Commission consider the following:

Along the Dulles Greenway frontage (instead of the proposed 100 feet), limit the height
of the buildings within Land Bay F to 45 feet, as the terrain of Land Bay F is at least 50
feet higher than Land Bay I, the other land bay along the Greenway.

4. **Building design** is not addressed. Staff notes that 40 to 50-foot tall trees can not screen 100-foot tall buildings. Status: **Partially resolved.** Staff needs to work with the Applicant and the Planning Commission to finalize the condition language.

<u>Solution:</u> Staff has drafted a recommended condition that would require breaking up the building mass of buildings that exceed 45 feet in height. Refer to Attachment 5, SPEX-2008-0068, Condition #10.

5. Proposed **zoning modifications** of the <u>Revised 1993 Zoning Ordinance</u>, Section 4-506(B) to permit building heights of 100 feet without additional setbacks and Section 4-507(C) to allow a perimeter buffer in lieu of internal screening of loading, parking, and trash collection areas from public streets.

<u>Update</u> - The Applicant has withdrawn these two modifications. See Attachments 1 and 3. Status: **Resolved.**

OPEN SPACE/FOREST RESOURCES

6. **Open space** is not the predominant visual element, thus the project will not blend effectively into the area. Status: **Unresolved.**

<u>Solution:</u> Without preservation of the hardwood trees in the central portion of the site discussed below, staff questions how the open space issue can be resolved. To address open space that is located outside of the Tree Save Areas, staff has drafted a condition of approval that would require the Applicant to manage such open space areas. The condition is similar to that approved with the GEP/S Hybrid Energy Park. Refer to Attachment 6, SPEX-2008-0068, Condition #3.

7. Preservation of the **hardwood trees in the central portion of the site** is critical to prevent creating an expansive cleared area in the middle of the site. Status: **Unresolved.**

Solutions:

- Designate the high-quality hardwood trees located in proposed Land Bay G as a Tree Save Area. This is the most critical location on the subject property to add as a Tree Save Area to break up the proposed vast cleared area in the central portion of the site.
- Designate the easternmost half of proposed Land Bay E, which also consists of highquality hardwood trees, as a Tree Save Area. This is the second most critical location to add as a Tree Save Area to break up the central portion of the site.
- Land Bay F could be expanded westward into the proposed Tree Save Area, because that Tree Save Area consists of lesser quality trees.
- 8. Staff suggests proffers to ensure the preservation of the 120-year old, 48-inch diameter **specimen White Oak tree** along the Sycolin Road frontage. This tree could live up to 400 years and could serve as an entry feature for the development.

<u>Update:</u> Staff commends the Applicant for revising the Concept Plan to include the specimen White Oak tree in the Tree Save Area. Status: **Partially resolved.**

<u>Solution:</u> To ensure the life of the tree, Staff suggests that the Applicant proffer to coordinate and implement a "tree invigoration program" with the County Urban Forester. The County Urban Forrester is developing suggested proffer language that staff will provide to the Applicant.

ARCHAEOLOGICAL RESOURCES

9. Conservation of a significant **archaeological pottery site** (44LD1195), during the tree cutting and removal stage, remains an issue. Status: **Partially resolved.**

<u>Update:</u> The Applicant proposes to cover the archaeological site with soil and plant it with grasses, creating a berm that will conserve the site and provide an attractive streetscape. (Refer to Attachment 3, #2.) The County Archaeologist supports this method of preservation. However, the Applicant needs to address the protection of the archaeological site during the tree cutting and removal stage prior to covering the site.

<u>Solutions:</u> Staff suggests the following proffers and proffer revisions to address tree cutting and removal within the boundaries of the archaeological site:

- a. The Applicant shall coordinate tree removal within the archaeological site with the County Archaeologist. (Volunteer archaeological groups have expressed interest in helping with the hand-cutting and removal of trees in order to preserve this archaeological resource.)
- b. Heavy machinery shall not be located within the boundaries of Site. The Applicant shall hand-cut trees at ground level, leaving the root and duff and any exposed root balls in the ground. The Applicant shall pull felled trees out of the site making every effort not to gauge the site.
- c. Revise Proffers III. 8 and IV. 18 to ensure that no "land disturbing activities", as defined in the <u>Revised 1993 Zoning Ordinance</u>, occur within the boundaries of site, unless otherwise coordinated with the County Archaeologist and the County Urban Forester. As written, stormwater management facilities could be constructed within the pottery site.

TRANSPORTATION

10. Phase 3 **transportation impacts** are not currently mitigated. The Applicant proffers to contribute \$0.34 per square foot of development (4.9 million square feet x \$0.34 = \$1.67 million) towards Crosstrail Boulevard and other regional road improvements that are within 2 miles of the site. Staff calculates a fair contribution equaling 50% of a 2-lane section of Sycolin Rd. from the site entrance to Crosstrail Boulevard at \$0.89 per square foot of development (\$4.36 million). Status: **Unresolved.**

<u>Solutions</u>: Staff would like to hold another meeting with the Applicant and the Applicant's Traffic Consultant to discuss how each party developed their fair contribution calculations. Consistent with the Applicant's Traffic Study, proffer to not exceed 3 million square feet, rather than the proffered 3.5 million square feet, until Crosstrail Boulevard between Sycolin Road and the Dulles Greenway is open to traffic.

11. The application does not dedicate right-of-way for the CTP planned realignment of **Cochran Mill Road**. Status: **Unresolved.**

<u>Solution:</u> With the GEP/S Hybrid Energy Park application, the Applicant proffered to reserve right-of-way for realigned Cochran Mill Road for possible future dedication for 21 years. For consistency with that proffer the Applicant could proffer the same for 20 years.

RECOMMENDATION

Staff cannot support the applications. Staff recognizes that the development could have a positive economic impact upon the County. Staff also recognizes that non-residential uses may be reasonable for all or a portion of the site, given the proximity of Luck Stone Quarry and a future power plant and water treatment plant. However, with a proposed density of 0.6 FAR, a potential building area of 4.9 million square feet, and maximum building heights of 100 feet, the scale and intensity of the proposed development is inconsistent with the rural character, lower densities, and higher open space requirements envisioned for the Lower Sycolin subarea of the Transition Policy Area and incompatible with the residential uses to the west. Further, the application has outstanding open space, transportation, and archaeological resource issues.

SUGGESTED MOTIONS

1. I move that the Planning Commission forward ZMAP 2008-0017, SPEX 2008-0068, SPEX 2008-0069, SPEX 2008-0070, and SPEX 2010-0018, Stonewall Secure Business Park, to a worksession for further discussion.

OR

2. I move that the Planning Commission forward ZMAP 2008-0017, SPEX 2008-0068, SPEX 2008-0069, SPEX 2008-0070, and SPEX 2010-0018, Stonewall Secure Business Park, to the Board of Supervisors with a recommendation of denial.

OR

3. I move that the Planning Commission forward ZMAP 2008-0017, SPEX 2008-0068, SPEX 2008-0069, SPEX 2008-0070, and SPEX 2010-0018, Stonewall Secure Business Park, to the Board of Supervisors with a recommendation of approval.

ATTACHMENTS:

The Applicant has provided the following additional information in response to the Staff Report:

- 1. Applicant's Meeting Follow-Up Narrative (March 9, 2011)
- 2. Applicant's Building Height Narrative
- 3. Applicant's Meeting Follow-Up Narrative (March 15, 2011)
- 4. Applicant's Vicinity Illustrative
- 5. Applicant's Visual Impact Illustrative
- 6. Staff's Draft Conditions of Approval

STONEWALL SECURE BUSINESS PARK

March 9, 2011

As a follow up to the meeting with Judi Birkitt, John Andrews, Jordan Dimoff and Kimberlee Cummings on March 8, 2011.

The Applicant will revise the proffers, as follows:

The following uses as principal uses shall be limited to 500,000 square feet of development on the Subject Property:

- Distribution facility
- Flex industrial
- Warehousing facilities

The following principal uses would not be permitted on the Subject Property:

- Business Service Establishment
- Contractor Service Establishment
- Motor vehicle service and repair, light

The Applicant can agree to a Condition for the management of the Open Space areas that are not within the Tree Save Areas and will work with staff on the proffer.

The Applicant can agree to limit the location of emergency generators in Land Bays A, B & C to the eastern side in the Land Bays away from residential uses.

The Applicant is withdrawing the modification of ZO Section 4-506(B) as the additional setbacks can be provided for the additional building heights, as required in this section.

The Applicant needs to continue discussions with staff on the zoning modification for ZO Section 4-507(C).

STONEWALL SECURE BUSINESS PARK

Building Heights

For Loudoun County to retain its spot as a premier destination for data centers, it is imperative that the County recognize and support data center facilities that will be built in the future. While data centers have typically been single-story buildings, generally between forty-eight feet and seventy-five feet in height, new design philosophies are emerging that require greater building heights. Power densities have increased in data centers resulting in data center spaces that are more difficult to cool. Increased building heights are needed to cool these spaces in multiple stories and allow innovative use of thermal dynamics with cascade cooling thermal stratification principles that require a "stacked" infrastructure. These designs are generally more energy efficient and result in a decreased impact on local resources such as water and power. As a pre-eminent destination for data centers, Loudoun County must recognize these trends and work to support them.

Allowing buildings up to one-hundred feet in height in the Stonewall Secure Business Park will support emerging design and energy approaches.

It is likely that the targeted users being considered for the Stonewall Secure Business Park will also require building heights up to one-hundred feet to support future business operations. Limiting all of the building heights to forty-five feet would severely limit the concept of flexibility that would allow Loudoun County to compete for larger economic development opportunities. Technology is one of the fastest changing industries in the world today and flexibility is needed in order to be ahead of the changes instead of trying to play catch up. Stonewall Secure Business Park is being designed as a private and public collaboration to position Loudoun County as a premier location for attracting Fortune 500 companies that desire to be located in the mid Atlantic area of the United States.



LUBELEY EMRICH
& WALSH PC

Kimberlee Welsh Cummings, AICP Land Use Planner (571) 209-5773 kcummings@ldn.thelandlawyers.com

March 15, 2011

Via E-Mail Only

Judi McIntyre Birkitt, Project Planner Loudoun County Department of Planning, Land Use Review 1 Harrison Street, S.E. 3rd Floor Leesburg, Virginia 20177

Re: Stonewall Secure Business Park – ZMAP 2008-0017, SPEX 2010-0068 – 0070, SPEX 2010-0018, SPEX 2010-0034 & CMPT 2010-0014

Dear Judi:

Please include the following information in the supplemental packet, to provide additional information in response to your questions and as a follow up to the meeting that we had with you on March 9, 2010.

1. Uses:

The Applicant will provide in the proffer statement that the following PD-IP uses shall not be permitted on the Subject Property:

Adult day care center; Agriculture, horticulture, forestry, or fishery; Commuter parking lot; Post office; Recycling drop off collection center, small; Bakery, commercial; Auction house; Business Service Establishment; Park; Motor vehicle service and repair, light; Funeral home; Contractor service establishment; Recreation establishment, outdoor or indoor;

The Applicant will provide in the proffer statement that the following PD-IP uses shall be limited to a total of 500,000 gross square feet of development on the Subject Property:

Distribution facility; Flex industrial use; Warehousing facility;

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Colored Concept Plan:

The colored Concept Plan is being revised and will be available prior to the Planning Commission public hearing scheduled for March 23, 2011.

On behalf of the Applicant, we will continue to work with you and staff to address the outstanding issues and coordinate on the draft conditions of approval and revising the proffer statement and concept plans prior to the Planning Commission public hearing.

Thank you for your assistance with these applications and I look forward to continuing work with you to resolve the outstanding issues.

Sincerely,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.

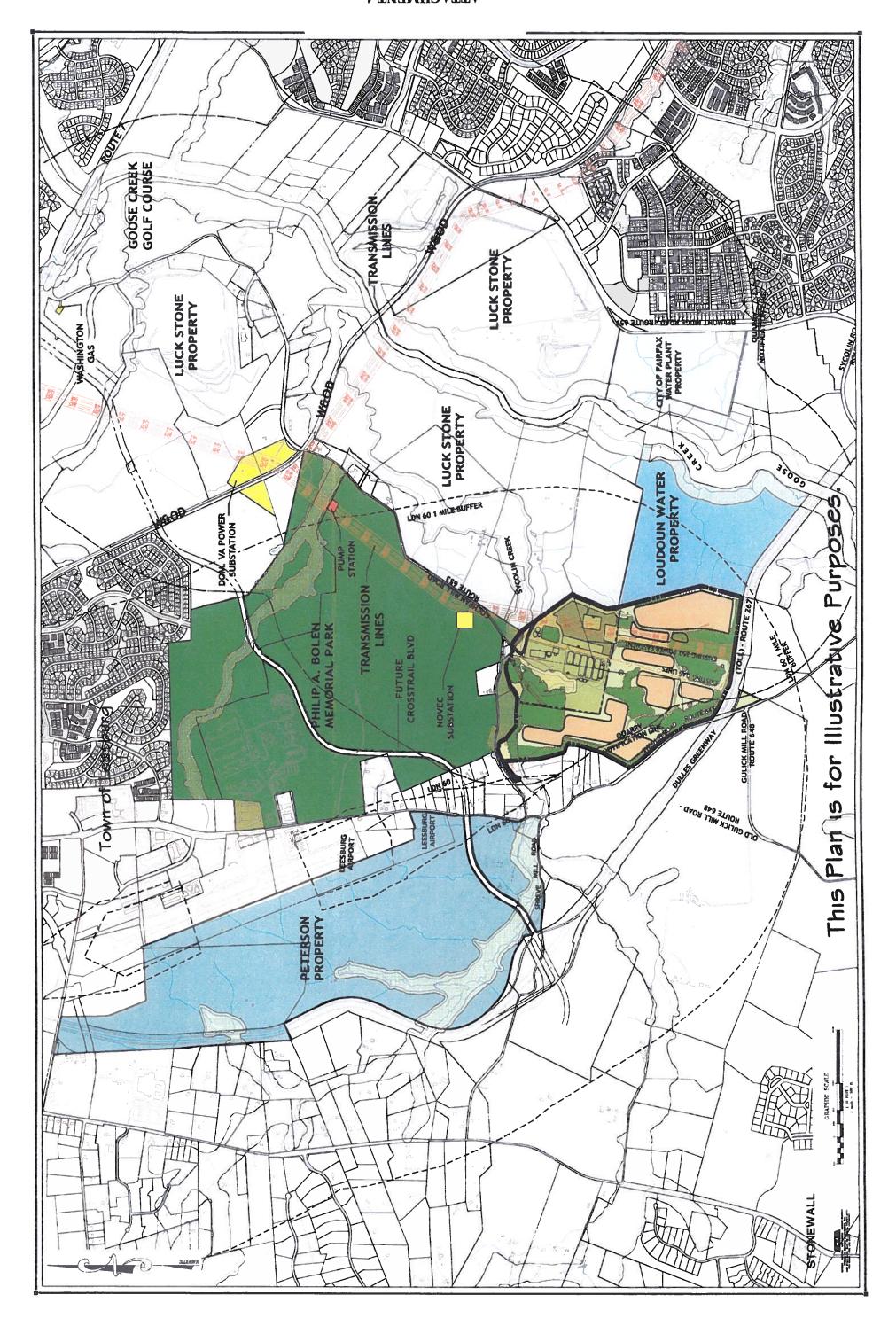
Kimberlee Welsh Cummings

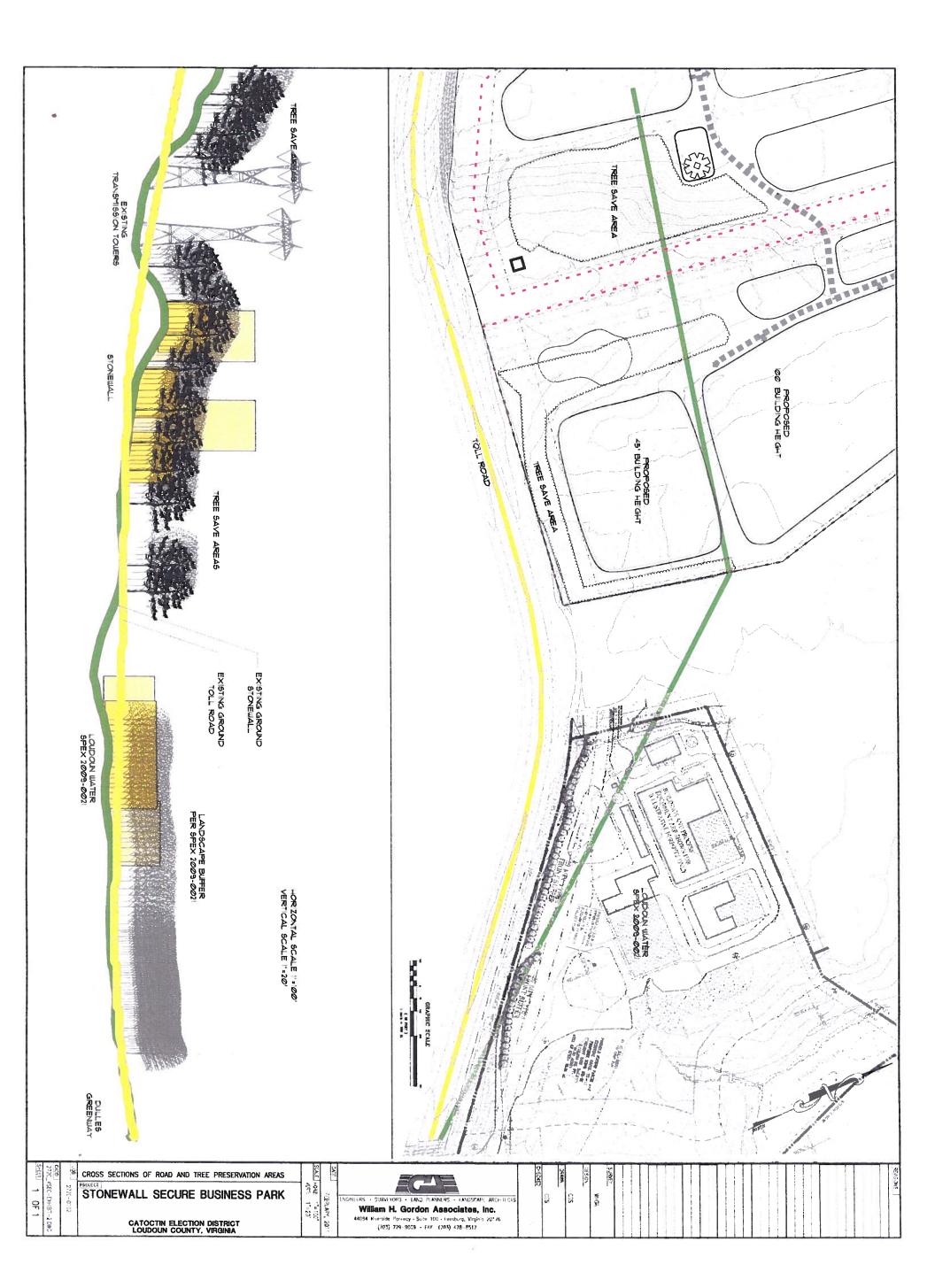
Kimberlee Welsh Cummings, AICP Land Use Planner

cc: John A. Andrews II, Managing Member, Stonewall Creek, LLC Jordan Dimoff, Vice President, Andrews Community Investment Corporation Robert W. Woodruff P.E., Chief Operating Officer, William H. Gordon Associates, Inc.

John F. Callow, Principal, Kittleson & Associates, Inc.

J. Randall Minchew, Managing Shareholder, Leesburg Office, Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.





DRAFT CONDITIONS OF APPROVAL (March 16, 2011)

Condition of Approval for Stonewall Secure Business Park, SPEX-2008-0068 - Office, administrative, business and professional, which do not meet the criteria contained in Section 4-503(G) and Floor area ratio up to 0.60 for office and data center uses, SPEX-2008-0069 - Water Storage Tank, SPEX-2008-0070 - Water Treatment Plant, SPEX-2010-0018 - Firearm range, archery range, indoor, and SPEX-2010-0034 - Utility Substation, Transmission:

1. Substantial Conformance. The development of the Special Exception Uses, "Office, administrative, business and professional, which do not meet the criteria contained in Section 4-503(G)", a Floor Area Ratio up to 0.60 for office and data centers, a Water Storage Tank, a Water Treatment Plant, and Firearm Range, Archery Range, Indoor, and a Utility Substation, Transmission, in the PD-IP (Planned Development - Industrial Park) zoning district, shall be in substantial conformance with these conditions and with the plan set entitled "Stonewall Secure Business Park Zoning Map Amendment Application 2008-0017 Special Exception Applications: 2010-0018 / 2008-0068 / 2008-0069 / 2008-0070 / 2010-0034 Commission Permit Plat 2010-0014" consisting of six (6) sheets numbered as 1 through 6, dated July, 2009, as revised through 2-18-11, and prepared by William H. Gordon Associates, Inc. (the "SPEX Plat"). Approval of this application for Tax Map # /60//////41/ (193-27-9018). Tax Map /61//////13/ (194-49-8227), and the portion of Tax Map # /60///////39/ (194-48-6020), and lying within the "PROPOSED ZONING LINE (PD-IP)" as delineated and labeled on Sheet 5 of the SPEX Plat (the "Property") shall not relieve the Applicant or the owners of the Property from the obligation to comply with and conform to any other Zoning Ordinance, Codified Ordinance, or applicable regulatory requirement. As used in these conditions, the term "Applicant" includes the owner of the Property subject to this Special Exception approval, its successors, and parties developing, establishing or operating the approved Special Exception Uses.

<u>SPEX-2008-0068 - Office, Administrative, Business and Professional, which do not meet the criteria in Section 4-503(G) and Floor Area Ratio up to 0.60:</u>

- 1. Floor Area Ratio The 0.6 FAR applies only to data center and office uses.
- 2. <u>Open Space</u>. The Property shall consist of a minimum of fifty percent (50%) open space as defined in the <u>Revised General Plan</u> ("Open Space"). The Applicant shall demonstrate compliance with this condition with each site plan submission.
- 3. Natural Resources Management Plan (NRMP). Prior to first site plan approval, the Applicant shall coordinate with the County Urban Forester to develop a Natural Resources Management Plan (NRMP) and accompanying planting plan for the "Open Space". The Applicant shall actively maintain the Open Space to maximize its habitat value and minimize the impact of the Special Exception Use and the increased density through the use of vegetation to mitigate stormwater run-off,

minimize water and air pollution, remove invasive plants, and avoid wildlife conflicts. The purpose of the NRMP is to ensure that all habitats are rehabilitated and managed long-term so that they function as viable habitat. The NRMP shall include recommendations that provide for sustained growth and optimum viability for forest, meadow, riparian, and wetland habitats. The NRMP shall provide for the management of natural resources, including aquatic life, wildlife, and meadow, riparian, and wetland habitats, while allowing for harmony with the Special Exception Uses.

The NRMP shall include the removal of **invasive species**. Preferred removal methods shall include mechanical means for woody invasive species, rotational mowing, and the removal of hay, as applicable. If no other method is successful, the application of herbicides may be considered. All management activities in the NRMP shall consider and be sensitive to the life-cycle of animals, including ground-nesting birds, small mammals, and amphibians.

The accompanying **planting plan** shall consist of native species and shall be completed for forest, meadow, riparian, and wetland habitats, to include site description, site preparation, species selection, stocking, establishment method, plant size, plant material protection, plant maintenance, protection against deer, and other management actions. The NRMP shall include recommendations that meet the Applicant's **security needs**, such as but not limited to maintaining line of sight between two (2) and six (6) feet from the ground by removing tree limbs between the ground and six (6) feet from the ground and limiting vegetation to two (2) feet in height.

Within Open Space located underneath **power lines**, where indigenous vegetation has been impaired by herbicide application and where the establishment of arboreal vegetation areas are not appropriate, the NRMP and planting plan shall be designed in coordination with the County Urban Forester to allow for establishment of a meadow habitat conductive to flora and fauna indigenous to such a habitat, consistent with existing power line easement requirements.

- 4. Areas Reserved for Non-Data Center Parking. In conjunction with the submission of each site plan for a data center on the Property, the Applicant shall demonstrate that the Applicant will maintain as Open Space the land area within the areas labeled on the SPEX Plat as "POTENTIAL BUILDING / PARKING & LOADING AREAS" that would otherwise be used for non-data center parking. The Applicant shall maintain such areas as open space until such time that the County issues an occupancy permit for a non-data center use that requires using such open space for non-data center parking. These areas shall be subject to the Natural Resources Management Plan until such time that the County issues an occupancy permit for a non-data center use that requires using such open space for non-data center parking.
- 5. <u>Back-Up Generators</u>. Within Land Bays A, B, and C on Sheet 5 of the SPEX Plat, the location of back-up generators or equipment shall be limited to the eastern side

of such Land Bays, away from adjacent residential properties.

- 6. <u>Buffer Adjacent to Residential</u>. In conjunction with the development of Land Bays B and C, the Applicant shall plant a Type IV Buffer along the Property boundary adjacent to Land Bays B and C and shall maintain such buffer for as long as the abutting properties are a residential zoning district.
- 7. Screening Mechanical Equipment and Landscaping Data Interconnect Buildings. Mechanical equipment (i.e. generators, chilling plants, etc.) shall be screened from adjacent residential properties, Sycolin Road, and the Dulles Greenway. Screening methods shall include, but not be limited to, fencing, walls of similar construction to the buildings on site, or landscaping. The Applicant shall plant evergreen shrubs around the data interconnect buildings to minimize visibility from Sycolin Road and the Dulles Greenway.
- 8. <u>Traffic Study</u>. Prior to exceeding 500,000 square feet of office uses, exclusive of data centers, and in conjunction with the submission of the first site plan application for development of such uses, the Applicant shall submit a new traffic study for such uses to the County for review and approval, and the Applicant shall install the improvements recommended in the traffic study in the timeframe recommended in the traffic study.
- 9. <u>Turn Lanes and Tapers</u>. Prior to exceeding 3 million square feet of development, the Applicant shall construct dual westbound left-turn lanes out of the site at the site-access driveway.
- 10. <u>Building Design</u>. For the purpose of breaking up building mass on buildings that exceed forty-five (45) feet in height, homogeneous exterior building surfaces shall not exceed a linear distance of 20 feet. Such surfaces shall be broken up into smaller segments through fenestration, setbacks, or changes in colors or materials. This condition shall not apply to exterior building walls situated within land bays that are adjacent to 193-38-4362, 193-29-6778, or 153-35-5865.

SPEX-2010-0018 - Firearm Range, Archery Range, Indoor

1. <u>Indoor Firearm Range</u>. The indoor firearm range shall not be located within Land Bays A, B, and C. The Applicant shall use noise attenuation measures as necessary to ensure that noise generated by the indoor firearm range complies with Section 5-1507 of the <u>Revised 1993 Zoning Ordinance</u>.

SPEX-2008-0069 - Water Storage Tank

1. <u>Water Tank</u>. The water tank shall not exceed a height of one-hundred and twenty feet (120') and shall be a light, neutral color or a color to match the sky.